

### **REMARKS**

With the addition of claims 10 and 11, claims 1-11 are now pending in the above-referenced application and are submitted for the Examiner's reconsideration.

Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Berra in view of Komori. Applicants have amended claims 1 and 9 to recite that the separate memory area in which information regarding a programming/reprogramming operation is stored is incapable of being erased. Further, new dependent claims have been added reciting that the separate memory area lacks hardware for performing an erase operation. Support for these amendments and new claims is found at least in page 3, lines 19-26, of the specification. Berra shows a flash reprogramming security for vehicle computer, in which the security is based on the change of encryption keys. Thus, Berra shows a method to avoid manipulation. Within the present invention there is no method to avoid manipulation, but to record a manipulation to have a evidence, if manipulation was made or not. Thus, there is a totally different focus with regard to Berra and the present invention.

Komori on the other hand discloses a rewrite count of a memory, whereby there is no real ROM meant by that, because of the fact that a ROM is a read only memory, which means that this memory is programmed one time and then only usable for reading out the information. What is meant here in Komori is a flash memory or an EEPROM (electrical erasable programmable read only memory) employed as an electrically, rewriteable ROM. So what is named here, is a flash memory, an EEPROM and a electrically rewriteable ROM. All these memories have one thing in common, namely, that they are programmable or reprogrammable, which means rewriteable and erasable. The last aspect, the aspect of erasing the memory, lies within the name also of the EEPROM, which means, electrical erasable and programmable, which is the same function the flash memory also has. These memories are employed as electrically rewritable ROMs, which means that they are erasable.

In the present invention the separate memory area for storing the information to find out about manipulation is only for reading and programming and is not erasable, as recited in the claims. This difference is not shown either in Berra or in Komori.

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

KENYON & KENYON LLP  
By: Gerard A. Messina (Reg. No. 35,952)

Dated: 4/26/06

By: Gerard A. Messina  
Gerard A. Messina  
Reg. No. 35,952

One Broadway  
New York, NY 10004  
(212) 425-7200